



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 13th day of July, 2004

Served: July 16, 2004

Application of

BOBREL LEASING, INC.

to conduct commuter air carrier operations under 49 U.S.C.
41738

Docket OST-03-16284

ORDER DISMISSING APPLICATION

By this order, we dismiss, for lack of prosecution, the application for commuter air carrier authority filed by Bobrel Leasing, Inc. d/b/a Colorado Airways ("Bobrel") in Docket OST-03-16284.

Background

On October 6, 2003, Bobrel, based in Akron, Colorado, filed an application in Docket OST-03-16284 requesting authority pursuant to 49 U.S.C. 41738 to provide scheduled passenger services as a commuter air carrier.

On December 11, 2003, we requested additional information from Bobrel, including, but not limited to, information on the financial resources that were available to the applicant to support its proposed operations. We asked Bobrel to provide this material on or before January 12, 2004. On January 29, 2004, having not received the information requested of the applicant, we reminded Bobrel of our outstanding information request and advised the company that, if we did not receive the information requested by February 12, 2004, we intended to dismiss the application.

On February 12, Bobrel filed some, but not all, of the material we had requested and asked that the Department grant it an additional 30 days to file the remaining information. We granted Bobrel's request for additional time, thus extending the deadline for a complete response to our December 11, 2003, information request until March 15, 2004. On March 17, Bobrel again submitted some, but not all, of the required information.

In April, Bobrel orally informed us that it had been unable to conclude its financing arrangements for its initial service plans,¹ but that it was in the process of formulating a new service proposal involving markets yet to be determined. Bobrel further advised that, once the details of its new service plan and related funding sources had been firmed up, it would file such information with the Department so that we could proceed with our review of its commuter application. On or about May 17, Bobrel indicated that it intended to file such information on or before May 21. To date, the applicant has not yet filed this material, nor do we have any specific information from Bobrel as to when it might be forthcoming.

¹ At the time its application was initially filed, Bobrel was proposing to provide scheduled passenger services between Denver and Lamar, Colorado, and was expecting to receive funds from the City of Lamar to support those operations.

It has now been more than nine months since Bobrel filed for commuter authority and almost two months since we last heard from Bobrel, and its application remains materially deficient. In this connection, one of the three critical components of our fitness test is whether an applicant has a reasonable operating plan as well as the financial resources needed to operate under that plan.² As noted above, we have no information as to Bobrel's amended operating plans or its available financial resources.³ While we make every attempt to work with companies applying for commuter authority and, where warranted, provide additional time to submit required information to the Department, it is not our policy to allow applicants an indefinite amount of time to submit needed fitness material.

Under the circumstances, we have decided to dismiss Bobrel's application for commuter fitness determination at this time for lack of prosecution. This action is taken without prejudice to the applicant's filing a new application for commuter authority at a future date when it is able to fully prosecute such application.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We dismiss, without prejudice, the application for commuter authority filed by Bobrel Leasing, Inc., in Docket OST-03-16284.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be effective and become the final action of the Department of Transportation upon the expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov>*

² In addition to assessing an applicant's financial fitness, the Department must also find that the company has a qualified management team and a satisfactory compliance posture. We must also find that it is a U.S. citizen.

³ Moreover, given the length of time the application has been on file with the Department, we would expect that other fitness information previously provided by Bobrel may now be out-of-date.

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